

LATHAM & WATKINS LLP

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Hearing Date: May 17, 2023
Opposition Date: March 13, 2023
Reply Date: April 27, 2023

Attorneys for ABN AMRO RETAINED NOMINEES (IOM) LIMITED, f/k/a ABN AMRO Fund Services (Isle of Man) Nominees, and f/k/a Fortis (Isle of Man) Nominees Limited

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re: BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

ABN AMRO RETAINED NOMINEES (IOM)
LIMITED, f/k/a ABN AMRO Fund Services (Isle of
Man) Nominees, and f/k/a Fortis (Isle of Man)
Nominees Limited, and PLATINUM ALL WEATHER
FUND LIMITED,

Defendants.

Adv. Pro. No. 12-01697 (CGM)

NOTICE OF MOTION TO DISMISS AMENDED COMPLAINT

PLEASE TAKE NOTICE, that pursuant to this Court's June 13, 2022 Order, upon the annexed Declaration of Thomas J. Giblin, the exhibits thereto, the Declaration of Bryan Darroch, and the accompanying Memorandum of Law in Support, the undersigned attorneys for Defendant ABN AMRO Retained Nominees (IOM) Limited, f/k/a ABN AMRO fund Services (Isle of Man) Nominees, and f/k/a Fortis (Isle of Man) Nominees Limited ("IOM Nominees") will respectfully move the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Courtroom 621, New York, New York 10004, before the Hon. Cecelia G. Morris, on May 17, 2023 at 10:00 A.M. for an Order dismissing the Amended Complaint of Irving H. Picard, Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, and the substantively consolidated estate of Bernard L. Madoff, individually, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–lll, ECF No. 141, with prejudice, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure as made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7012.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order dated September 2, 2022 (ECF No. 140), any opposition to this motion shall be filed by March 13, 2023, and any reply in further support of this motion shall be filed by April 27, 2023.

Dated: January 12, 2023
New York, New York

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ Christopher R. Harris

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